

REMARKS

Claims 1, 2, 3, 14, 15, 19, 27, and 34 have been amended. Support for the amendments can be found in at least paragraph [0012] in connection with Figures 1 and 3 of the application. No new matter has been introduced by the amendments. Applicants reserve the right to pursue the original and other claims in this and in other applications.

Claims 1-4, 8, 10, 11, 15, 19-21, 23, 25, 27, 28, 30 and 32 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection is respectfully traversed. The claims have been amended to address the concerns raised in the Office Action. Accordingly, the rejection should be withdrawn and the claims allowed.

Claims 1-4, 8, 10, 11, 14-17, 19-21, 23, 25, 27, 28, 30, 32 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Atkinson in view of Rosenburgh. The rejection is respectfully traversed.

Claim 1 recites a “surgical fluid pump system for transporting a sterile fluid from a source to a surgical instrument.” The claim 1 system comprises “first and second pumps, each of said first and second pumps having a piston that contacts said sterile fluid to apply a pressure to said sterile fluid, each of said pumps having a suction cycle for drawing in the sterile fluid and an output cycle for ejecting the sterile fluid.” According to claim 1, “a separately controllable drive motor is provided for each of said first and second pumps.” The system also comprises “an electronic control system for controlling the drive motors by setting a piston velocity profile for each of the first and second pumps.” Applicants respectfully submit that the cited combination fails to teach or suggest the claim 1 system.

Atkinson discloses a surgical fluid pump system for transporting a sterile fluid from a source to a surgical instrument. Atkinson, however, only teaches a single pump unit that is driven by a single motor. Applicants have previously argued that Atkinson fails to teach or suggest a drive system that drives said pump system in such a way that a suction cycle is shorter than an output cycle or that output cycles of the first and second pumps overlap.

The Office Action relies on Rosenburgh as curing the deficiencies of Atkinson. Applicants disagree. Rosenburgh discloses a photographic processing apparatus. Rosenburgh discloses the use of three pumps, but these pumps are driven by a *single common* drive motor. As such, neither reference, even when combined, teaches or suggests driving two or more pump units by separately controllable drive motors using an electronic control system for controlling the drive motors by setting a piston velocity profile for each of the individual pumps. This feature of the claimed invention, which is missing from the cited combination, is particularly advantageous as each pump unit may be driven by different individual velocity profiles. This type of separate control of the pumps and the resulting variety of available options when driving the pumps is not taught or suggested by the cited combination. As such, claim 1 is allowable over the cited combination.

Applicants also maintain its prior argument that one skilled in the art of surgical instruments would under no circumstance search for a pump that provides a smooth and non-pulsing delivery of a sterile fluid to a surgical instrument in a document dealing with photographic processing (i.e., Rosenburgh). Thus, no one skilled in the art would combine Atkinson with Rosenburgh.

Claim 3 depends on claim 1 and is allowable along with claim 1 for at least the reasons set forth above. The other pending claims recite similar limitations and are allowable over the cited combination for at least the reasons set forth above and on their own merits. The rejection should be withdrawn and the claims allowed.

In view of the above, Applicants believe that the pending application is in condition for allowance.

Dated: February 1, 2011

Respectfully submitted,

By 
Gianni Minutoli

Registration No.: 41,198
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403
(202) 420-2200
Attorneys for Applicants